

SENATE BILL NO. 114

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Pre-filed December 4, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0582S.011

AN ACT

To repeal sections 302.302 and 476.385, RSMo, and to enact in lieu thereof two new sections relating to the administration of driver improvement programs by the centralized violation bureau.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 302.302 and 476.385, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 302.302 and 476.385, to read as follows:

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303..... 2 points
(except any violation of municipal stop sign ordinance where no accident is involved..... 1 point)
- (2) Speeding
 - In violation of a state law. 3 points
 - In violation of a county or municipal ordinance. 2 points
- (3) Leaving the scene of an accident in violation of section 577.060, RSMo..... 12 points
In violation of any county or municipal ordinance. 6 points
- (4) Careless and imprudent driving in

19 violation of subsection 4 of section 304.016, RSMo. 4 points

20 In violation of a county or municipal ordinance. 2 points

21 (5) Operating without a valid license in

22 violation of subdivision (1) or (2) of subsection 1

23 of section 302.020:

24 (a) For the first conviction. 2 points

25 (b) For the second conviction. 4 points

26 (c) For the third conviction. 6 points

27 (6) Operating with a suspended or revoked

28 license prior to restoration of operating

29 privileges. 12 points

30 (7) Obtaining a license by misrepresentation. 12 points

31 (8) For the first conviction of driving while

32 in an intoxicated condition or under the influence

33 of controlled substances or drugs. 8 points

34 (9) For the second or subsequent conviction

35 of any of the following offenses however

36 combined: driving while in an intoxicated condition,

37 driving under the influence of controlled substances

38 or drugs or driving with a blood alcohol content of

39 eight-hundredths of one percent or more by weight. 12 points

40 (10) For the first conviction for driving

41 with blood alcohol content eight-hundredths of

42 one percent or more by weight

43 In violation of state law. 8 points

44 In violation of a county or municipal ordinance

45 or federal law or regulation. 8 points

46 (11) Any felony involving the use of a

47 motor vehicle. 12 points

48 (12) Knowingly permitting unlicensed

49 operator to operate a motor vehicle. 4 points

50 (13) For a conviction for failure to maintain

51 financial responsibility pursuant to county or

52 municipal ordinance or pursuant to section 303.025,

53 RSMo. 4 points

54 (14) Endangerment of a highway worker

55 in violation of section 304.585, RSMo. 4 points

56 (15) Aggravated endangerment of a highway

57 worker in violation of section 304.585, RSMo. 12 points

58 (16) For a conviction of violating a municipal

59 ordinance that prohibits tow truck operators from

60 stopping at or proceeding to the scene of an accident

61 unless they have been requested to stop or proceed

62 to such scene by a party involved in such accident

63 or by an officer of a public safety agency. 4 points

64 2. The director shall, as provided in subdivision (5) of subsection 1 of this
65 section, assess an operator points for a conviction pursuant to subdivision (1) or
66 (2) of subsection 1 of section 302.020, when the director issues such operator a
67 license or permit pursuant to the provisions of sections 302.010 to 302.340.

68 3. An additional two points shall be assessed when personal injury or
69 property damage results from any violation listed in subdivisions (1) to (13) of
70 subsection 1 of this section and if found to be warranted and certified by the
71 reporting court.

72 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of
73 subsection 1 of this section constitutes both a violation of a state law and a
74 violation of a county or municipal ordinance, points may be assessed for either
75 violation but not for both. Notwithstanding that an offense arising out of the
76 same occurrence could be construed to be a violation of subdivisions (8), (9) and
77 (10) of subsection 1 of this section, no person shall be tried or convicted for more
78 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this
79 section for offenses arising out of the same occurrence.

80 5. The director of revenue shall put into effect a system for staying the
81 assessment of points against an operator. The system shall provide that the
82 satisfactory completion of a driver-improvement program or, in the case of
83 violations committed while operating a motorcycle, a motorcycle-rider training
84 course approved by the state highways and transportation commission, by an
85 operator, when so ordered and verified by any court having jurisdiction over any
86 law of this state or county or municipal ordinance, regulating motor vehicles,
87 other than a violation committed in a commercial motor vehicle as defined in
88 section 302.700 or a violation committed by an individual who has been issued a
89 commercial driver's license or is required to obtain a commercial driver's license
90 in this state or any other state, shall be accepted by the director in lieu of the

91 assessment of points for a violation pursuant to subdivision (1), (2) or (4) of
92 subsection 1 of this section or pursuant to subsection 3 of this section. **A court**
93 **using a centralized violation bureau established under section 476.385,**
94 **RSMo, may elect to have the bureau order and verify completion of a**
95 **driver-improvement program or motorcycle-rider training course as**
96 **prescribed by order of the court.** For the purposes of this subsection, the
97 driver-improvement program shall meet or exceed the standards of the National
98 Safety Council's eight-hour "Defensive Driving Course" or, in the case of a
99 violation which occurred during the operation of a motorcycle, the program shall
100 meet the standards established by the state highways and transportation
101 commission pursuant to sections 302.133 to 302.137. The completion of a
102 driver-improvement program or a motorcycle-rider training course shall not be
103 accepted in lieu of points more than one time in any thirty-six-month period and
104 shall be completed within sixty days of the date of conviction in order to be
105 accepted in lieu of the assessment of points. Every court having jurisdiction
106 pursuant to the provisions of this subsection shall, within fifteen days after
107 completion of the driver-improvement program or motorcycle-rider training course
108 by an operator, forward a record of the completion to the director, all other
109 provisions of the law to the contrary notwithstanding. The director shall
110 establish procedures for record keeping and the administration of this subsection.

476.385. 1. The judges of the supreme court may appoint a committee
2 consisting of at least seven associate circuit judges, who shall meet en banc and
3 establish and maintain a schedule of fines to be paid for violations of sections
4 210.104, 577.070, and 577.073, RSMo, and chapters 252, 301, 302, 304, 306, 307
5 and 390, RSMo, with such fines increasing in proportion to the severity of the
6 violation. The associate circuit judges of each county may meet en banc and
7 adopt the schedule of fines and participation in the centralized bureau pursuant
8 to this section. Notice of such adoption and participation shall be given in the
9 manner provided by supreme court rule. Upon order of the supreme court, the
10 associate circuit judges of each county may meet en banc and establish and
11 maintain a schedule of fines to be paid for violations of municipal ordinances for
12 cities, towns and villages electing to have violations of its municipal ordinances
13 heard by associate circuit judges, pursuant to section 479.040, RSMo; and for
14 traffic court divisions established pursuant to section 479.500, RSMo. The
15 schedule of fines adopted for violations of municipal ordinances may be modified
16 from time to time as the associate circuit judges of each county en banc deem

17 advisable. No fine established pursuant to this subsection may exceed the
18 maximum amount specified by statute or ordinance for such violation.

19 2. In no event shall any schedule of fines adopted pursuant to this section
20 include offenses involving the following:

21 (1) Any violation resulting in personal injury or property damage to
22 another person;

23 (2) Operating a motor vehicle while intoxicated or under the influence of
24 intoxicants or drugs;

25 (3) Operating a vehicle with a counterfeited, altered, suspended or
26 revoked license;

27 (4) Fleeing or attempting to elude an officer.

28 3. There shall be a centralized bureau to be established by supreme court
29 rule in order to accept pleas of not guilty or guilty and payments of fines and
30 court costs for violations of the laws and ordinances described in subsection 1 of
31 this section, made pursuant to a schedule of fines established pursuant to this
32 section. The centralized bureau shall collect, with any plea of guilty and payment
33 of a fine, all court costs which would have been collected by the court of the
34 jurisdiction from which the violation originated.

35 4. If a person elects not to contest the alleged violation, the person shall
36 send payment in the amount of the fine and any court costs established for the
37 violation to the centralized bureau. Such payment shall be payable to the
38 "central violations bureau", shall be made by mail or in any other manner
39 established by the centralized bureau, and shall constitute a plea of guilty, waiver
40 of trial and a conviction for purposes of section 302.302, RSMo, and for purposes
41 of imposing any collateral consequence of a criminal conviction provided by law.
42 **By paying the fine and costs, the person also consents to attendance at**
43 **any driver-improvement program or motorcycle-rider training course**
44 **ordered by the court and consents to verification of such attendance as**
45 **directed by the bureau.** Notwithstanding any provision of law to the contrary,
46 the prosecutor shall not be required to sign any information, ticket or indictment
47 if disposition is made pursuant to this subsection. In the event that any payment
48 is made pursuant to this section by credit card or similar method, the centralized
49 bureau may charge an additional fee in order to reflect any transaction cost,
50 surcharge or fee imposed on the recipient of the credit card payment by the credit
51 card company.

52 5. If a person elects to plead not guilty, such person shall send the plea

53 of not guilty to the centralized bureau. The bureau shall send such plea and
54 request for trial to the prosecutor having original jurisdiction over the
55 offense. Any trial shall be conducted at the location designated by the court. The
56 clerk of the court in which the case is to be heard shall notify in writing such
57 person of the date certain for the disposition of such charges. The prosecutor
58 shall not be required to sign any information, ticket or indictment until the
59 commencement of any proceeding by the prosecutor with respect to the notice of
60 violation.

61 6. In courts adopting a schedule of fines pursuant to this section, any
62 person receiving a notice of violation pursuant to this section shall also receive
63 written notification of the following:

64 (1) The fine and court costs established pursuant to this section for the
65 violation or information regarding how the person may obtain the amount of the
66 fine and court costs for the violation;

67 (2) That the person must respond to the notice of violation by paying the
68 prescribed fine and court costs, or pleading not guilty and appearing at trial, and
69 that other legal penalties prescribed by law may attach for failure to appear and
70 dispose of the violation. The supreme court may modify the suggested forms for
71 uniform complaint and summons for use in courts adopting the procedures
72 provided by this section, in order to accommodate such required written
73 notifications.

74 7. Any moneys received in payment of fines and court costs pursuant to
75 this section shall not be considered to be state funds, but shall be held in trust
76 by the centralized bureau for benefit of those persons or entities entitled to
77 receive such funds pursuant to this subsection. All amounts paid to the
78 centralized bureau shall be maintained by the centralized bureau, invested in the
79 manner required of the state treasurer for state funds by sections 30.240, 30.250,
80 30.260 and 30.270, RSMo, and disbursed as provided by the constitution and laws
81 of this state. Any interest earned on such fund shall be payable to the director
82 of the department of revenue for deposit into a revolving fund to be established
83 pursuant to this subsection. The state treasurer shall be the custodian of the
84 revolving fund, and shall make disbursements, as allowed by lawful
85 appropriations, only to the judicial branch of state government for goods and
86 services related to the administration of the judicial system.

87 8. Any person who receives a notice of violation subject to this section who
88 fails to dispose of such violation as provided by this section shall be guilty of

89 failure to appear provided by section 544.665, RSMo; and may be subject to
90 suspension of driving privileges in the manner provided by section 302.341,
91 RSMo. The centralized bureau shall notify the appropriate prosecutor of any
92 person who fails to either pay the prescribed fine and court costs, or plead not
93 guilty and request a trial within the time allotted by this section, for purposes of
94 application of section 544.665, RSMo. The centralized bureau shall also notify
95 the department of revenue of any failure to appear subject to section 302.341,
96 RSMo, and the department shall thereupon suspend the license of the driver in
97 the manner provided by section 302.341, RSMo, as if notified by the court.

98 9. In addition to the remedies provided by subsection 8 of this section, the
99 centralized bureau and the courts may use the remedies provided by sections
100 488.010 to 488.020, RSMo, for the collection of court costs payable to courts, in
101 order to collect fines and court costs for violations subject to this section.

✓

Bill

Copy